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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/534,255	05/10/2005	Yosuke Shinomoto	1033413-000007	4512
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EXAMINER				
GLASS, ERICK DAVID				
ART UNIT		PAPER NUMBER		
2837				
NOTIFICATION DATE		DELIVERY MODE		
06/01/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com

Office Action Summary

Application No.

10/534,255

Applicant(s)

SHINOMOTO ET AL.

Examiner

Erick Glass

Art Unit

2837

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 5-11 and 13-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1, 2, 5-11, 14-20, and 22-24 is/are allowed.
- 6) ☒ Claim(s) 13 and 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Paper No(s)/Mail Date _____
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 13, and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Kimura et al (5,739,650).

With respect to claim 13, Kimura teaches an operating specifications evaluation step (column 5, lines 13-67) in which a driving device for identifying a motor constant (column 4, lines 11-17) of a permanent magnet motor (fig. 7, 703) is provided to a user of a compressor (column 1, line 65) with having said permanent magnet motor, and said driving device drives said permanent magnet motor installed therein said compressor to extract a motor constant of said permanent magnet motor including a counter-electromotive voltage constant (column 3, lines 65-66); an efficiency monitoring (column 8, lines 1-40) step in which the efficiency of a product is monitored based on variation in said motor constant of said permanent magnet motor obtained in said operating specifications evaluation step, said compressor with said permanent magnet motor being installed in said product; and an efficiency reduction reporting step (column 8, lines 65-67; column 9, lines 1-12) in which an efficiency improvement measure including such as the timing (fig. 20, SP5-6) of exchanging said compressor is reported by an

indicator, when the efficiency of said product obtained in said efficiency monitoring step is reduced.

With respect to claim 21, Kimura teaches a freezing/air conditioning (column, 1, lines 65) device comprising: a permanent magnet motor (fig. 7, 703) operated at variable speed by an inverter (fig. 7, 702) having an automatic tuning function (column 6, lines 10-15) or a program of the inverter, the inverter being able to identify a motor constant (column 4, lines 11-17) of a motor; a compressor driven by said permanent magnet motor, for discharging a refrigerant circulating through a refrigeration cycle; and a monitor device for monitoring performance such as the range of output (fig. 20, SP8) or reduction in efficiency by determining said motor constant identified during operation, wherein reduction in the efficiency is reported by an an alarm.

Claims 1, 2, 5-11, 14-20, and 22-24 are allowable.

Response to Arguments

The examiner has removed the rejected under 35 U.S. C. 112, second paragraph from office action dated November 25, 2008. Applicant's arguments filed 2/25/09 have been fully considered but they are not persuasive. Applicants arguments do not relate to claims 13, and 21.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erick Glass whose telephone number is (571)272-8395. The examiner can normally be reached on 9-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Walter Benson can be reached on 571-272-2227. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/BENTSU RO/
Primary Examiner, Art Unit 2837

/Erick Glass/
Examiner, Art Unit 2837